

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Amendments to the Claims**

Independent claims 61, 66 and 67 have been amended to clarify the features of the invention recited therein and to further distinguish the claimed invention from the prior art relied upon in the rejections discussed below.

### **II. 35 U.S.C. § 103(a) Rejection**

Claims 61-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Asano (U.S. 2002/0150251) and Tsuria (U.S. 2004/003909). This rejection is believed clearly inapplicable to amended independent claims 61, 66 and 67 and claims 62-65 that depend therefrom for the following reasons.

Amended independent claim 61 is directed to an apparatus recording encrypted content onto a recording medium storing first media key data and first encrypted content. Claim 61 also recites that, when a comparing unit judges that second media key data is newer than the first media key data stored in the recording medium and when the first encrypted content has been stored in the recording medium, a content decrypting unit obtains one first media key from the first media key data, and decrypts the first encrypted content stored in the recording medium using the obtained one first media key, so as to generate a content. Further, claim 61 recites that, when the comparing unit judges that the second media key data is newer than the first media key data, and continuously after the content decrypting unit generates the content, a content encrypting unit obtains one second media key from second media key data, and encrypts the

content (generated by the content decrypting unit) using the obtained one second media key, so as to generate a second encrypted content. Claim 61 also recites that a deleting and writing unit deletes the first media key data and the first encrypted content from the recording medium and writes the second media key data and the second encrypted content generated by the content encrypting unit to the recording medium, wherein one media key data is stored in the recording medium and two or more pieces of media key data are not stored in the recording medium.

Therefore, according to the structure required by claim 61, it is clear that claim 61 (i) provides a process of updating the first media key data to the second media key data and the first encrypted content to the second encrypted content, when the content is generated by the content decrypting unit (i.e., when the second media key data stored in the storing unit is newer than the first media key data stored in the recording medium and when the first encrypted content has already been stored in the recording medium), such that when the first media key data is “updated” to the second media key data, the first encrypted content is also updated to the second encrypted content at the same time, (ii) requires that two or more pieces of media key data are not stored in the recording medium, and (iii) requires the content encrypting unit to generate the second encrypted content continuously after the content decrypting unit generates the content. Further, according to claim 61, after the first media key data (e.g., old media key data) is deleted and the second media key data (e.g., new media key data) is written, the content stored in the recording medium can be reproduced.

Asano and Tsuria, or any combination thereof fails to disclose or suggest the above-mentioned distinguishing features required by amended independent claim 61.

Rather, Asano merely teaches (i) that a recording medium includes multiple versions of media keys, (ii) decrypting encrypted content stored in the recording medium using a first media key, so as to generate content, and (iii) encrypting content using a second media key, so as to

generate encrypted content, such that after first media key data is deleted and second media key data is written, the recording apparatus cannot reproduce the content stored in the recording medium (see paragraphs [0032]-[0034], [0126], [0127] and [0128]).

Thus, in view of the above, it is clear that Asano teaches decrypting content using the first media key, encrypting content using the second media key, wherein the recording medium includes multiple versions of the media keys, but fails to disclose or suggest that, when the first media key data stored in the recording medium is updated to the second media key data (e.g., new media key data), the first encrypted content stored in the recording medium is updated to the second encrypted content at the same time and that the content encrypting unit generates the second encrypted content continuously after the content decrypting unit generates the content, as required by claim 61.

More specifically, the Applicants note that Asano teaches that the recording medium includes multiple versions of the media keys, such that after first media key data is deleted and second media key data is written, the recording apparatus cannot reproduce the content stored in the recording medium, but fails to disclose or suggest that two or more pieces of media key data are not stored in the recording medium, such that when the first media key data is “updated” to the second media key data, the first encrypted content is also updated to the second encrypted content at the same time, and such that, even though the first media key data is deleted, the content stored in the recording medium can be reproduced, as required by claim 61.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 61 and claims 62-65 that depend therefrom would not have been obvious or result from any combination of Asano and Tsuria.

Furthermore, there is no disclosure or suggestion in Asano and/or Tsuria or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify

Asano and/or Tsuria to obtain the invention of independent claim 61. Accordingly, it is respectfully submitted that independent claim 61 and claims 62-65 that depend therefrom are clearly allowable over the prior art of record.

Independent claims 66 and 67 are directed to a method and a program, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 61. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 66 and 67 are allowable over the prior art of record.

### **III. Conclusion**

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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